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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,210	12/05/2003	Matthew Christopher Coriale	4670-239/2003-0146.02	9484

7590 11/15/2005

ATT: JOHN J. McARDLE, JR.
LEXMARK INTERNATIONAL, INC.
740 WEST NEW CIRCLE ROAD
LEXINGTON, KY 40550

EXAMINER

CRENSHAW, MARVIN P

ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

71A

Office Action Summary	Application No. 10/729,210	Applicant(s) CORIALE ET AL.	
	Examiner Marvin P. Crenshaw	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the RCE filed on 8/22/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 10 and 14 - 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 - 16 is/are allowed.
- 6) ☒ Claim(s) 1 - 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

Claims 14 – 16 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claim 14, the prior art does not teach or render obvious the total combination as claimed including a method of clearing a jam from an image forming device comprising the steps of storing within a controller statistical information indicating likely locations for media jams and determining where along the section each of the media sheets is positioned at the time of the jam based on the statistical information.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko in view of Tachibana et al.

Kaneko teaches a method of clearing a jam from an image forming device (See Abstract), the method comprising the steps of tracking (See col. 2, lines 32 – 43) the position of a media sheet moving through a media path, detecting a media jam (See col. 1, lines 43 – 56) when the media sheet does not reach a predetermined point on the media path within a predetermined limit, determining the position of the media sheet at the time of the media jam (See col. 1, lines 43 – 56) and determining which one of a plurality of access points provides access to the media jam in at least damaging and ergonomically correct manner and displaying the one of the plurality of access points to an operator (See col. 2, lines 1 – 19).

However, Kaneko does not teach immediately stopping the movement of the media sheet upon detecting the media jam.

Tachibana et al. teaches immediately stopping the movement of the media sheet upon detecting the media jam (See col. 8, lines 48 – 53).

It would have been obvious to modify Kaneko to immediately stop the movement of the media sheet upon detection of a media jam as taught by Tachibana et al. to provide a means for stopping the media to prevent damaging the apparatus.

With respect to claim 2, Kaneko teaches the method wherein the step of determining the position of the media sheet at the time of the media jam comprises detecting an amount of time since the media sheet has moved beyond a sensor and the speed of the media sheet moving along the media path (See col. 2, lines 32 – 43).

With respect to claim 3, Kaneko teaches the method further comprising displaying a second access point selected from the plurality of access points to access

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the media sheet when the operator is unable to reach the media sheet through the one of the plurality of access points (See col. 2, lines 1 – 15).

With respect to claim 4, Kaneko teaches the method further comprising displaying the location of the media jam to the operator (See col. 2, lines 19 – 31).

With respect to claim 5, Kaneko teaches the method wherein the step of determining the position of the media sheet at the time of the media jam comprises monitoring feedback from an encoder (See col. 7, lines 49 – 57) since the media sheet has moved beyond a sensor.

With respect to claim 6, Kaneko teaches the method wherein the step of determining the position of the media sheet at the time of the media jam comprises using the number of steps taken by a motor (See col. 7, lines 43 – 48).

With respect to claim 7, Kaneko teaches a method of clearing a media jam (See Abstract) from an image forming device comprising the steps of detecting a media jam within a media path (See col. 1, lines 43 – 56), determining a number of media sheets within the media path (See col. 1, lines 58 – 65), determining a location of each of the media sheets along the media path (See col. 1, lines 43 – 56), displaying the number of media sheets within the media path (See col. 2, lines 19 – 31), determining which of a plurality of access points are to access and remove each of the media sheets (See col. 2, lines 1 – 19) and displaying the plurality of access points that are to be opened in an order of priority to remove the media sheets and cause at least amount of damage to the device (See col. 2, lines 1 – 19).

However, Kaneko does not teach the step of immediately stopping the movement of the media sheet upon detecting the media jam.

Tachibana et al. teaches the step of immediately stopping the movement of the media sheet upon detecting the media jam (See col. 8, lines 48 – 53).

It would have been obvious to modify Kaneko to have the step of immediately stop the movement of the media sheet upon detection of a media jam as taught by Tachibana et al. to provide a means for determining an easy accessible location to provide the user to remove the media jam.

With respect to claim 8, since Kaneko has the ability to detect a media jam location and visually display it, then in order to remove the media jam Kaneko has the ability to display the access points are less than a total number of access points on the image forming device to access the sole location to remove the jam media.

With respect to claim 9, Kaneko teaches the method wherein the step of determining which of the plurality of access points are to be opened comprises determining ergonomic requirements for accessing the media sheets through each of the plurality of access points (See col. 7, lines 1 – 25).

With respect to claim 10, Kaneko teaches the method further comprising to keep at least one of the plurality of media sheets within the media path (See col. 2, lines 19 – 31).

Response to Arguments

Applicant's arguments filed August 08, 2005 have been fully considered but they are not persuasive. Specifically, Kaneko teaches having a method of clearing a jam in

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an image forming apparatus. Tachibana et al. has been added to teach immediately stopping the media once a jam has been detected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (571) 272-2158. The examiner can normally be reached on Monday - Thursday 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPC

November 2, 2005



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